

Cedar City

10 North Main Street • Cedar City, UT 84720
435-586-2950 • FAX 435-586-4362
www.cedarcity.org

CITY COUNCIL WORK MEETING
AUGUST 15, 2018
5:30 P.M.

Mayor
Maile Wilson-Edwards

Council Members
Ronald R. Adams
Paul Cozzens
Terri W. Hartley
Craig E. Isom
R. Scott Philips

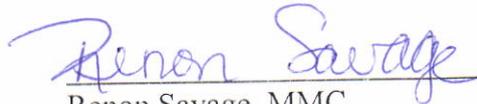
City Manager
Paul Bittmenn

The City Council meeting will be held in the Council Chambers at the City Office, 10 North Main, Cedar City, Utah. The agenda will consist of the following items:

- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
 - a. Mayor and Council Business
 - b. Staff Comment
- IV. Public Agenda
 - Public Comments
- V. Business Agenda
 - Public
 1. Public Hearing to consider a consider a general land use amendment from R-3 Residential to Mixed Use for property located at the intersection of Paradise Canyon Road and Spruce Street. Platt & Platt/Tyler Romeril
 2. Public Hearing to consider a to consider a zone change from R-3 Residential to Mixed Use for property located at the intersection of Paradise Canyon Road and Spruce Street. Platt & Platt/Tyler Romeril
 3. Consider a single event permit for the Elks Horse Shoe Tournament to be held August 25, 2018. Candace Howes
 4. Public hearing to consider abandoning a portion of 800 West. Go Civil/Tyler Romeril
 5. Consider approving the road dedication for 800 West at approximately 800 North. Go Civil/Tyler Romeril
 6. Consider final plat approval for the South Mountain Estates Phase 1 subdivision, 3300 West and South Mountain Drive. Watson Engineering/Tyler Romeril
 7. Consider an agreement between Coal Creek Irrigation Company and Cedar City. Joe Melling/Paul Bittmenn
 8. Consider a cooperative agreement between SUU and Cedar City to build and maintain a disc golf course in the Thunderbird Gardens area. Danny Strand/Paul Bittmenn

9. Public Hearing to consider an ordinance restricting short-term rentals in the R-1 zone. Tammy & Eric Vogt/Tyler Romeril
Staff
10. Consider a property donation/gift to Cedar City. Kit Wareham
11. Consider a call-out list of consultants for the City material testing contract. Kit Wareham
12. Consider a resolution re-allocating Parks RAP Tax money and impact fees to trails and renovations at Bicentennial Fields. Paul Bittmenn
13. Review bids for the Animal Adoption Center. Darin Adams
14. Closed Session – Pending Litigation

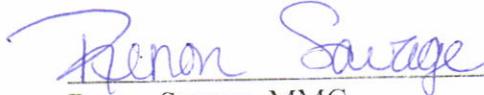
Dated this 13th day of August 2018.



Renon Savage, MMC
Cedar City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 13th day of August 2018.



Renon Savage, MMC
Cedar City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

CEDAR CITY COUNCIL

AGENDA ITEM - 142

TO: Mayor and City Council
FROM: City Attorney
DATE: August 7, 2018
SUBJECT: Requested General Land Use Amendment from R-3-M to Mixed Use and Zone change from R-3-M to Mixed Use on property located in the vicinity of the intersection of Paradise Canyon Road and Spruce Street (vacant lot behind Dairy Queen).

DISCUSSION:

Pursuant to the Planning Commission's discussion regarding a general land use amendment and zone change for property located at the intersection of Paradise Canyon Road and Spruce Street, two proposed ordinances were prepared. The requested change would amend the General Land Use Plan from R-3-M to Mixed Use; and the Zone from R-3-M to Mixed Use. These proposed changes are consistent with the desires of the property owner and were given a positive recommendation by the Planning Commission (see attached minutes).

Please consider whether or not to pass these two ordinances amending the general land use plan and zoning for this area.

8- PUBLIC HEARING

**General Land Use Amend
(Recommendation)**

**Paradise & Spruce St.
High Density to Mixed Use**

ADC 4/ Platt & Platt

Bob Platt presented and said they can talk about 8 & 9 together. He talked about the corner that is just back of the Dairy Queen and they just recently changed it all to the R-3-M zone. He pointed out the lot that was changed from R-2 to the R-3. The owner can build a 4-plex and have the parking needed on this parcel to accommodate the overflow parking for the commercial across the street. To do this, they now need to change this corner lot to MU. If it were just parking for this 4-plex it would not need to be changed.

Mary opened the public hearing.

Steven Bulloch who lives in this area said the noise is enough to drive him crazy. He is not in favor of anything that would increase the noise. He pointed out the apartments tucked in off Spruce Street. The lot next door is all a trash dump. He is not against the 4-plex or what they want to do on this corner, he just does not want any more noise.

Mary pointed out the purpose here today was to discuss the zoning. It is to allow for parking.

Craig said when this comes to the City Council they can discuss the noise. He also said this would solve the problem for the parking of the commercial center across the road.

Adam brought up that only a couple of weeks ago they were talking about changing the parking ordinance so you could not have parking on a lot that was used for someplace else. It was said that was only in the residential zones.

Mary closed the public hearing.

Bob said the only reason to change the zone on this corner lot was so they could make some overflow parking for the business across the street.

Adam moved to send a positive recommendation for both items 8 & 9 on to City Council; seconded by Craig and the vote was unanimous.

**9- Zone Change R-3 to MU
(Recommendation)**

Paradise & Spruce St.

ADC 4/ Platt & Platt

See item #8 for discussion and motion.

The meeting adjourned at 5:45 p.m.

.....
Michal Adams, Executive Assistant

CEDAR CITY ORDINANCE NO. _____

**AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING CEDAR CITY'S
GENERAL LAND USE PLAN FROM R-3-M RESIDENTIAL TO MIXED USE, FOR PROPERTY LOCATED AT
THE INTERSECTION OF PARADISE CANYON ROAD AND SPRUCE STREET.**

WHEREAS, the owners of property located at the intersection of Paradise Canyon Road and Spruce Street have petitioned Cedar City to change the current General Land Use Plan from R-3-M Residential to Mixed Use, the property is more particularly described as follows:

BEGINNING AT A POINT S. 89°37'00" W. ALONG THE SECTION LINE 268.35 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) OF SECTION 23, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE S. 45°37'00" W. 162.79 FEET; THENCE N. 44°23'00" W. 50.40 FEET; THENCE N. 45°37'00" E. 110.60 FEET; THENCE N. 89°37'00" E. 72.55 FEET TO THE POINT OF BEGINNING. BEING PART OF LOT FOUR (4), BLOCK ONE (1), VALLEY VIEW SUBDIVISION.

CONTAINS 6,889 SF.

WHEREAS, after providing public notice as required by City ordinance the Cedar City Planning Commission considered the proposed zoning amendments and found that the amendments are reasonably necessary, in the best interest of the public, and in harmony with the objectives and purposes of Cedar City's zoning ordinance. The Planning Commission has given the proposed general land use change a positive recommendation; and

WHEREAS, the City Council after duly publishing and holding a public hearing to consider the proposed general land use change finds the proposed change furthers the City's policy of establishing and maintaining sound, stable, and desirable development within the City, promoting more fully the objectives and purposes of the City's General Land Use Plan, or correcting manifest errors.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah, that the City's General Land Use Plan is amended from R-3-M Residential to Mixed Use for the property located at the intersection of Paradise Canyon Road and Spruce Street, and more particularly described herein, and City staff is hereby directed to make the necessary changes to the City's General Land Use Plan.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage by the City Council and published in accordance with State Law.

Council Vote:

Ayes: ____ Nays: ____ Abstained: ____

Dated this _____ day of August 2018.

MAILE L. WILSON-EDWARDS, MAYOR

[SEAL]

ATTEST:

RENON SAVAGE, RECORDER

CEDAR CITY ORDINANCE NO. _____

AN ORDINANCE OF THE CEDAR CITY COUNCIL AMENDING CEDAR CITY'S ZONING DESIGNATION FROM R-3-M RESIDENTIAL TO MIXED USE, FOR PROPERTY LOCATED AT THE INTERSECTION OF PARADISE CANYON ROAD AND SPRUCE STREET.

WHEREAS, the owners of property located at the intersection of Paradise Canyon Road and Spruce Street have petitioned Cedar City to change the current zoning designation from R-3-M Residential to Mixed Use, the property is more particularly described as follows:

BEGINNING AT A POINT S. 89°37'00" W. ALONG THE SECTION LINE 268.35 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) OF SECTION 23, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE S. 45°37'00" W. 162.79 FEET; THENCE N. 44°23'00" W. 50.40 FEET; THENCE N. 45°37'00" E. 110.60 FEET; THENCE N. 89°37'00" E. 72.55 FEET TO THE POINT OF BEGINNING. BEING PART OF LOT FOUR (4), BLOCK ONE (1), VALLEY VIEW SUBDIVISION.

CONTAINS 6,889 SF.

WHEREAS, after providing public notice as required by City ordinance the Cedar City Planning Commission considered the proposed zoning amendments and found that the amendments are reasonably necessary, in the best interest of the public, and in harmony with the objectives and purposes of Cedar City's zoning ordinance. The Planning Commission has given the proposed zone change a positive recommendation; and

WHEREAS, the City Council after duly publishing and holding a public hearing to consider the proposed zoning amendments finds the proposed amendments further the City's policy of establishing and maintaining sound, stable, and desirable development within the City, promoting more fully the objectives and purposes of the City's zoning ordinance, or correcting manifest errors.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah, that the City's zoning designation is amended from R-3-M Residential to Mixed Use, for property located at the intersection of Paradise Canyon Road and Spruce Street, and more particularly described herein, and City staff is hereby directed to make the necessary changes to the City's zoning map.

This ordinance, Cedar City Ordinance No. _____, shall become effective immediately upon passage by the City Council and published in accordance with State Law.

Council Vote:

Ayes: ____ Nays: ____ Abstained: ____

Dated this _____ day of August, 2018.

MAILE L. WILSON-EDWARDS, MAYOR

[SEAL]

ATTEST:

RENON SAVAGE, RECORDER

#3

CEDAR CITY CORPORATION

SINGLE EVENT PERMIT APPLICATION

APPLICANT: Please spell out the information requested below. A \$50.00 fee is due and payable at the time of submitting the application. (Said fee is refundable if a permit is not granted.)

SECTION I

NAME: Candace Howes

ADDRESS: 111 E 200 N

PHONE NUMBER (435) 5816-8332 NAME OF ENTITY: FKs Lodge

PURPOSE OF ENTITY:

TYPE OF EVENT: Horseshoe Tournament

CASH OR SURETY BOND FOR \$1,000

TIME AND DATE OF EVENT: Aug 25 12:00 - 8:00

NATURE AND PURPOSE OF EVENT: Charity horseshoe tournament

SECTION II

DESCRIBE THE FLOOR PLAN DESIGNATING:

(A) THE AREA IN WHICH THE APPLICANT PROPOSES THAT BEER BE STORED:

In coolers under carport NE of parking lot

(B) THE SITE FROM WHICH THE APPLICANT PROPOSES THAT BEER BE SOLD

OR SERVED: Under carport NE of parking lot

(C) THE AREA IN WHICH THE APPLICANT PROPOSES THAT THE BEER BE ALLOWED TO BE CONSUMED: In parking lot near pits

SECTION III

WE HEREBY CONSENT TO CITY OFFICIALS HAVING THE UNRESTRICTED RIGHT TO ENTER THE PREMISES TO ENTER THE EVENT FOR PURPOSES OF ENFORCEMENT.

DATE: 8/6/18

SIGNATURE:

Carolanne Howes
APPLICANT

I HEREBY VERIFY THAT I AM AUTHORIZED TO ACT ON BEHALF OF SAID ASSOCIATION OR ORGANIZATION.

DATED this _____ day of _____, 19____.

APPLICANT:

Its: _____

THIS SECTION IS TO BE FILLED OUT BY CITY

APPLICATION HAS BEEN REVIEWED BY THE CEDAR CITY POLICE DEPARTMENT, AND ITS RECOMMENDATION IS AS FOLLOWS: _____

DATE: _____

SIGNATURE:

COUNCIL APPROVAL _____

CEDAR CITY COUNCIL

AGENDA ITEM – 4

TO: Mayor and City Council
FROM: Tyler Romeril
DATE: August 6, 2018
SUBJECT: Road Abandonment / Vacating a portion of 800 West

DISCUSSION:

The City wants to narrow down 800 West from a 66' wide road to a 55' wide road. The purpose of this road abandonment is to comply with the City's request. The vacated property will go back to the adjoining property owner. The purpose of narrowing this road is to comply with the City's updated street master plan. A road at the width of 66' is no longer necessary to deal with the traffic demands for this area of the City. The Planning Commission gave this request a positive recommendation.

Please consider whether or not to accept this road abandonment.

**4- Road Dedication & PUE Approx. 800 N 800 West Dan Dailey/GO Civil
(Recommendation)**

Arlo Fawson of GO Civil presented and pointed out the very north end of 800 West where it will eventually connect to Coal Creek Road. They will continue to dedicate portions of 800 West as Dailey Builders has purchased land. The reason for the vacating of the sliver along the west side is because the City wanted to narrow down the street there from a 66' wide road to a 55' wide road. Adam wondered with the road becoming narrower, how much traffic can that now handle. Once that 800 West connects to Coal Creek he can see it becoming much busier.

Kit said it will handle about 800 cars per day. They can look at the end connecting to Coal Creek Road that the City just completed. It is a nice wide road.

They can vote on items 4 & 5 together.

Jennie moved to give a positive recommendation to the City Council for the road dedication and PUE, and for the vacating of the little sliver to narrow down the roadway. Seconded by Adam and the vote was unanimous.

**5- Road Vacating (Sliver) Approx. 800 N 800 West Dan Dailey/GO Civil
(Recommendation) West side**

See Item #4 for discussion and motion.

**6- Subd. – Vicinity Approx. 25 N 2800 W Coronado/GO Civil
(Recommendation) Crescent Hills Phase II**

Adam declared that he works with a company that has done a lot of the electrical in this area and they will probably see more work with this new portion of this subdivision so he will abstain from voting on this item.

Arlo Fawson of GO Civil presented and pointed out the area just south of Genpak. This is basically the same as Phase 1, right off Cross Hollow Road. Craig pointed out how quickly phase 1 has been built.

Arlo said this is Phase 2 of that same area and project. They are moving back toward the hills. It will consist of single-family homes on lots about 8,000 square feet in size. There will be duplex lots backing up to the Genpak plant.

Jennie moved to give a positive recommendation for the Vicinity of the Crescent Hills Phase II subdivision, seconded by Craig and the vote was unanimous.

**7- Subd. – Vicinity Approx. 1050 S Mt. View Drive Carter/Platt & Platt
(Recommendation) GLC Subdivision**

Bob Platt presented and pointed out the area. This will be a 3 lot, twin home subdivision. The zoning is okay. This is where Mt. View Drive makes a turn. The reason this is a regular subdivision and not a minor lot subdivision is that they need to dedicate and develop the portion of the street in there.

The area was discussed; there will be the Culver's restaurant up at the Main Street portion then there is one commercial parcel left undeveloped now. This has all been reviewed by Engineering and is ready to move on.

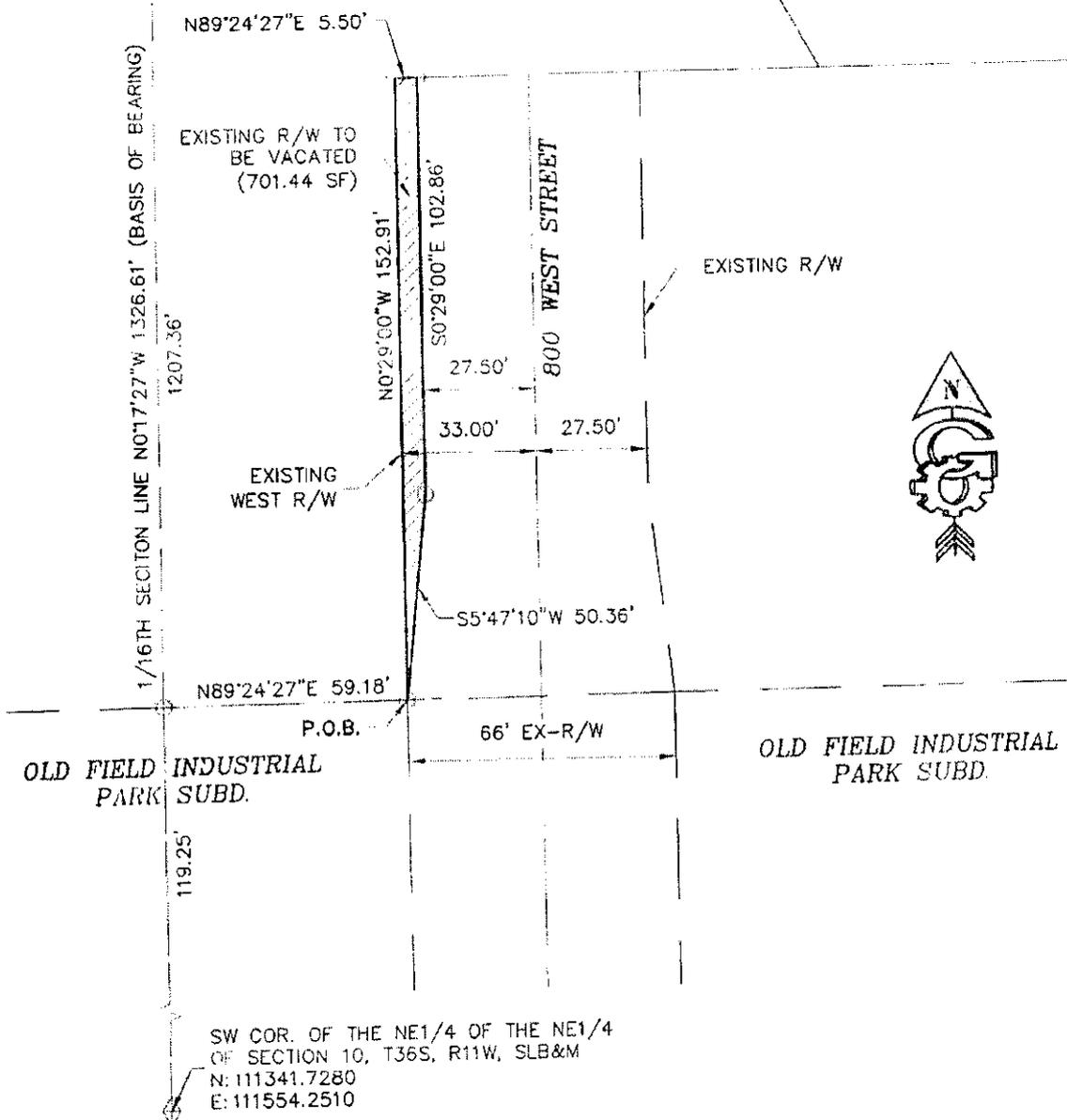
Craig moved to give a positive recommendation to City Council for the Vicinity of the GLC Subdivision, seconded by Jennie and the vote was unanimous.

800 WEST STREET RIGHT-OF-WAY VACATION

BEGINNING AT A POINT N00°17'27"W, 119.25 FEET ALONG THE 1/16TH SECTION LINE AND N89°24'27"E, 59.18 FEET ALONG THE NORTH BOUNDARY LINE OF OLD FIELD INDUSTRIAL PARK SUBDIVISION FROM THE SOUTHWEST CORNER OF THE NE1/4 OF THE NE1/4 OF SECTION 10, T36S, R11W, SLB&M, SAID POINT BEING ON THE EXISTING WEST LINE OF 800 WEST STREET; THENCE ALONG SAID WEST LINE N00°29'00"W, 152.91 FEET; THENCE DEPARTING SAID WEST LINE N89°24'27"E, 5.50 FEET; THENCE S00°29'00"E, 102.86 FEET; THENCE S05°47'10"W, 50.36 FEET TO THE POINT OF BEGINNING. CONTAINING 701.44 SQUARE FEET.

NW COR. OF THE NE1/4 OF THE NE1/4
 OF SECTION 10, T36S, R11W, SLB&M
 N: 112668.3220
 E: 111547.5170

**800 WEST R/W VACATION
 EXHIBIT A**



SCALE:	DRAWN:
1" = 40'	MS
DATE:	SHEET:
8/22/18	1 OF 1

**EXHIBIT A
 800 WEST R/W VACATION
 FOR
 DAILEY BUILDERS**

LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 10, T36S, R11W, SLB&M



GO CIVIL

ENGINEERING LLC
 500 N. 300 W.
 CEDAR CITY, UT 84721
 # (435) 588-0582
 WWW.GOCCIVIL.NET

ORDINANCE NO. _____

**AN ORDINANCE VACATING A CERTAIN PORTION OF 800 WEST,
LOCATED WITHIN CEDAR CITY, STATE OF UTAH.**

WHEREAS, the City has received a submitted request, requesting a certain portion of the described real properties known as 800 West to be vacated to the adjacent property owner; and

WHEREAS, the City Council has reviewed the request for the street vacation and has found that there is not a current demand for the right-of-way; and

WHEREAS, Cedar City staff from the departments of Public Works, Engineering and Legal have reviewed the proposal and find the requested street vacation appropriate; and

WHEREAS, the Cedar City Planning Commission has reviewed the proposal and provided a positive recommendation; and

WHEREAS, prior to holding a public hearing before the Cedar City Council public notice has been published in accordance with the applicable provisions of the Utah Municipal Land Use Development and Management Act; and

WHEREAS, after receiving public input during the public hearing, if any, the Cedar City Council determines, in accordance with UCA §10-9a-609.5, that good cause exists to vacate a portion of 800 West, and that no material injury to any person or the public interest will occur by the proposed vacation of the street.

NOW THEREFORE BE IT ORDAINED by the City Council of Cedar City, State of Utah, that for finding good cause therefore and that neither the public interest nor any person will be materially injured by the vacation, does hereby vacate the following described portion of 800 West. The vacation being more particularly described as follows:

800 WEST STREET RIGHT-OF-WAY VACATION

BEGINNING AT A POINT N00°17'27"W, 119.25 FEET ALONG THE 1/16TH SECTION LINE AND N89°24'27"E, 59.18 FEET ALONG THE NORTH BOUNDARY LINE OF OLD FIELD INDUSTRIAL PARK SUBDIVISION FROM THE SOUTHWEST CORNER OF THE NE1/4 OF THE NE1/4 OF SECTION 10, T36S, R11W, SLB&M, SAID POINT BEING ON THE EXISTING WEST LINE OF 800 WEST STREET; THENCE ALONG SAID WEST LINE N00°29'00"W, 152.91 FEET; THENCE DEPARTING SAID WEST LINE N89°24'27"E, 5.50 FEET; THENCE S00°29'00"E, 102.86 FEET; THENCE S05°47'10"W, 50.36 FEET TO THE POINT OF BEGINNING.
Containing 701.44 square feet.

This ordinance, Cedar City Ordinance No. _____ shall become effective immediately upon passage and publication as required by State Law.

Council Vote:

Ayes: ____ Nays: ____ Abstained: ____

Dated this _____ day of August, 2018.

Maile L. Wilson-Edwards
Mayor

[Seal]
Attest

Renon Savage
Recorder

CEDAR CITY COUNCIL

AGENDA ITEM - 5

TO: Mayor and City Council
FROM: Tyler Romeril
DATE: August 6, 2018
SUBJECT: 800 West (in the vicinity of 800 North 800 West).

DISCUSSION:

Dan Dailey is dedicating land to the City for use as a public road. The dedication will further create a City road located in the vicinity of 800 N 800 W. Attached is a copy of the minutes from the Planning Commission meeting. The Planning Commission gave the road dedication a positive recommendation. City Staff have no concerns moving forward with the dedication. Please consider the proposed road dedication.

4- Road Dedication & PUE (Recommendation) Approx. 800 N 800 West Dan Dailey/GO Civil

Arlo Fawson of GO Civil presented and pointed out the very north end of 800 West where it will eventually connect to Coal Creek Road. They will continue to dedicate portions of 800 West as Dailey Builders has purchased land. The reason for the vacating of the sliver along the west side is because the City wanted to narrow down the street there from a 66' wide road to a 55' wide road. Adam wondered with the road becoming narrower, how much traffic can that now handle. Once that 800 West connects to Coal Creek he can see it becoming much busier.

Kit said it will handle about 800 cars per day. They can look at the end connecting to Coal Creek Road that the City just completed. It is a nice wide road.

They can vote on items 4 & 5 together.

Jennie moved to give a positive recommendation to the City Council for the road dedication and PUE, and for the vacating of the little sliver to narrow down the roadway. Seconded by Adam and the vote was unanimous.

5- Road Vacating (Sliver) (Recommendation) Approx. 800 N 800 West Dan Dailey/GO Civil
West side

Sec Item #4 for discussion and motion.

6- Subd. – Vicinity (Recommendation) Approx. 25 N 2800 W Coronado/GO Civil
Crescent Hills Phase II

Adam declared that he works with a company that has done a lot of the electrical in this area and they will probably see more work with this new portion of this subdivision so he will abstain from voting on this item.

Arlo Fawson of GO Civil presented and pointed out the area just south of Genpak. This is basically the same as Phase 1, right off Cross Hollow Road. Craig pointed out how quickly phase 1 has been built.

Arlo said this is Phase 2 of that same area and project. They are moving back toward the hills. It will consist of single-family homes on lots about 8,000 square feet in size. There will be duplex lots backing up to the Genpak plant.

Jennie moved to give a positive recommendation for the Vicinity of the Crescent Hills Phase II subdivision, seconded by Craig and the vote was unanimous.

7- Subd. – Vicinity (Recommendation) Approx. 1050 S Mt. View Drive Carter/Platt & Platt
GLC Subdivision

Bob Platt presented and pointed out the area. This will be a 3 lot, twin home subdivision. The zoning is okay. This is where Mt. View Drive makes a turn. The reason this is a regular subdivision and not a minor lot subdivision is that they need to dedicate and develop the portion of the street in there.

The area was discussed; there will be the Culver's restaurant up at the Main Street portion then there is one commercial parcel left undeveloped now. This has all been reviewed by Engineering and is ready to move on.

Craig moved to give a positive recommendation to City Council for the Vicinity of the GLC Subdivision, seconded by Jennie and the vote was unanimous.

800 WEST ROAD DEDICATION FOR DAILEY BUILDERS

LOCATED IN SECTION 10, T86S, R11W, S1838M, CEDAR CITY, UTAH



800 WEST ROAD DEDICATION DESCRIPTION

The dedication of 800 West Road, located in Section 10, T86S, R11W, S1838M, Cedar City, Utah, is hereby dedicated to the public use of the State of Utah. The road is shown on the attached site plan and is to be maintained by the State of Utah.

GRANTS DEDICATION

The dedication of 800 West Road is hereby granted to the public use of the State of Utah. The road is shown on the attached site plan and is to be maintained by the State of Utah.

SUBMITTER'S CERTIFICATE

I, the undersigned, hereby certify that the above described road is a public road and is to be maintained by the State of Utah.

MARRIAGE

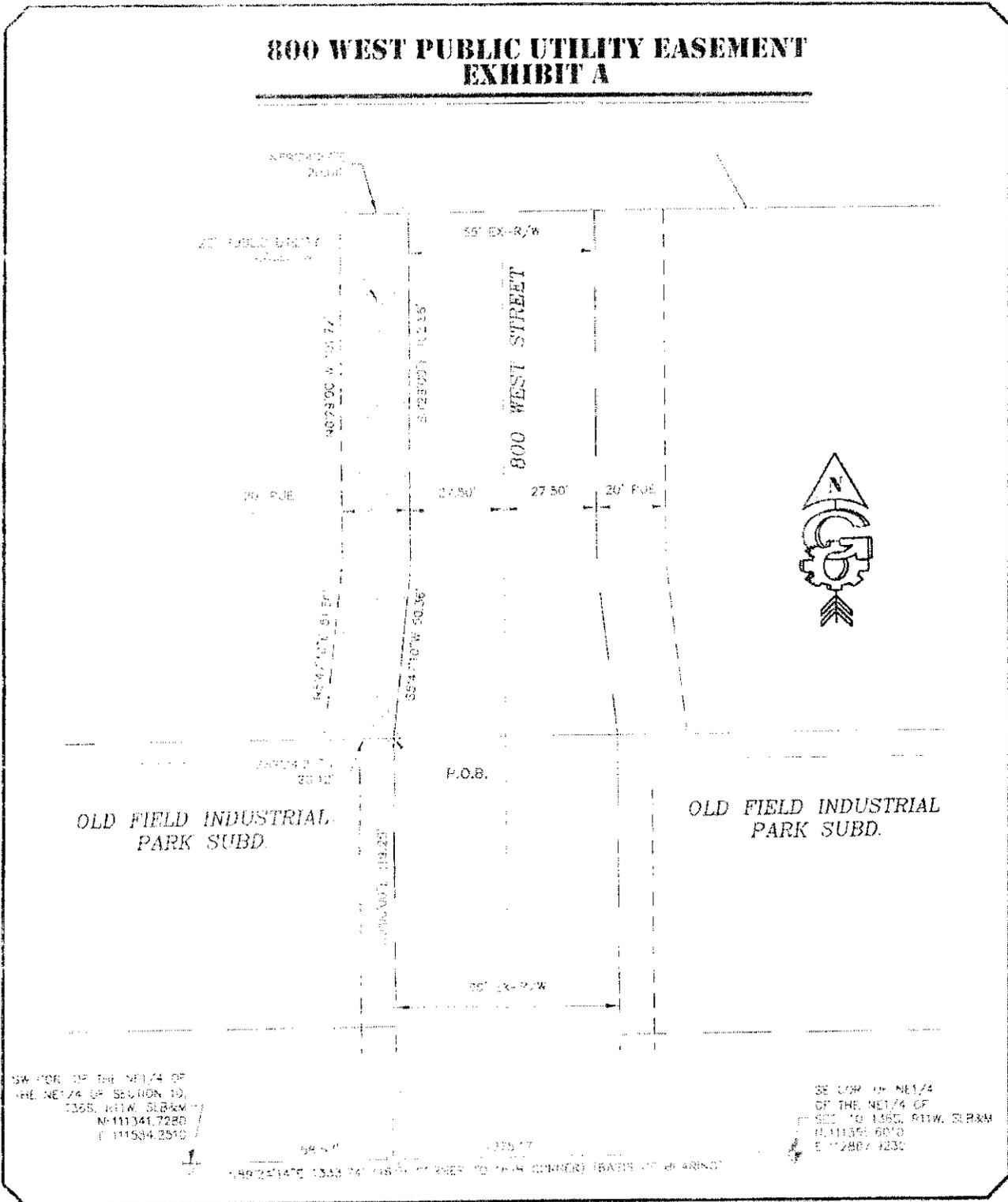
The undersigned hereby certify that the above described road is a public road and is to be maintained by the State of Utah.

800 WEST ROAD DEDICATION



DAILEY BUILDERS

800 WEST PUBLIC UTILITY EASEMENT EXHIBIT A



SCALE	1" = 40'
	1" = 80'
DATE	11/11/11
	11/11/11
DRAWN BY	DALEY
	DALEY

EXHIBIT A
800 WEST PUBLIC UTILITY EASEMENT
FOR
DALEY BUILDERS

LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 10, T36S, R11W, S18&M



GO CIVIL
ENGINEERING LLC
508 N. 800 W.
CEDAR CITY, UT 84724
(435) 580-9552
WWW.GO CIVIL.NET

CEDAR CITY COUNCIL
AGENDA ITEMS - 7
DECISION PAPER

TO: Mayor and City Council

FROM: City Manager

DATE: August 13, 2018

SUBJECT: Consider an agreement the Coal Creek Irrigation Company

DISCUSSION:

Cedar City and the local irrigation companies have a long history of cooperation. Years ago Cedar City approached the Coal Creek Irrigation Company and asked to move one of its diversion structures in order to facilitate installation of the City owned rail spur and the development of industrial land in the vicinity of the airport. The City and irrigation company came to an agreement and the irrigation company's diversion structure was moved to land that is south of the current airport terminal.

Coal Creek Irrigation Company has tried for years to make its diversion structure work in order to facilitate moving water to its customers. The irrigation company has not been satisfied with the functionality of the diversion structure. The City and the irrigation company have tried various ways to fix the diversion structure at cost in terms of money and man hours to both entities. The irrigation company approached the City with a plan to fix the diversion structure with a proposal that if the structure is fixed the way the irrigation company wants it, and the City pays for the fix, the irrigation company will accept all responsibility for the ongoing operation and maintenance of the structure. Coal Creek irrigation has completed the fix to the structure and is asking Cedar City to pay for the cost. When the project was being completed last fall and winter the cost of the project was not known.

Attached is the agreement. The agreement has a couple of main components. First, the City will reimburse Coal Creek Irrigation the cost of the repairs to the diversion, \$11,790.39 for the cost of the repairs to the split. The City will maintain the irrigation company infrastructure within the airport fence (excluding the diversion structure). The City has historically maintained this infrastructure within the airport fence. The maintenance typically includes cleaning ditches, particularly after flood events. The City has done this work for years as it is easier for City crews to access the airport property and comply with applicable federal regulations than it is for the irrigation company. The City will allow the irrigation company onto the airport as they need for operation and maintenance of the diversion structure, with notice to the airport manager. Also, the City will not operate the diversion structure, with a limited exception. The structure will be operated by the irrigation company. The irrigation company can deliver enough water through the diversion as re-designed to deliver all of the water in which the City has shares of stock in the company to the City's recharge pits on the airport. In the future if the City

purchases more irrigation shares and wants to modify the irrigation system to deliver more water to the recharge pits we will need to work cooperatively with the irrigation company and pay for the modifications.

The \$11,790.39 for the City's cost is to be paid out of the storm drain fund.

Please consider approving the attached agreement.

MEMORANDUM OF UNDERSTANDING
between
Coal Creek Irrigation Company, Cedar City, Utah
and
Cedar City Corporation, Cedar City, Utah

Regarding the Coal Creek Irrigation Distribution System, within the controlled access area of the Cedar City Airport, Iron County, Utah.

This is a Memorandum of Understanding (MOU) between the Coal Creek Irrigation Company, hereinafter referred to as “Company”; and Cedar City Corporation, a Utah municipal corporation and political subdivision, hereinafter referred to as “Cedar City”.

WHEREAS, Company is an Irrigation Company in Cedar City, Utah, which owns channels, ditches, diversions, splitter structures and other controls devices that make up the Coal Creek irrigation system (see exhibit A for a map of the Coal Creeks irrigation system); and

WHEREAS, Company owns a distribution system within the controlled access area of the Cedar City Airport, hereafter referred to as “Distribution System”; and

WHEREAS, the Terminal Split, located in the Distribution System, is located in the vicinity of south of the south parking lot of the airport (see exhibit A); and

WHEREAS, Company will work with Cedar City to keep the Distribution System properly maintained and in good working order; and

WHEREAS, Cedar City is a municipality located in Iron County, Utah, which has an interest to improve the Distribution System; and

WHEREAS, in order to install and preserve the improvements on the Terminal Split, Company and Cedar City will need to come to an agreement on the various responsibilities that each party will have to install, clean, and maintain the Terminal Split, and to keep the Terminal Split clean of debris and keep all ditches, diversions, splitter structures and other control devices in good working order.

NOW THEREFORE, in order to accomplish this mutually beneficial goal the Company and Cedar City agree to the terms of this MOU as follows:

I. PURPOSE & SCOPE

The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the Terminal Split in the Distribution System and to have in writing the expectations the two parties will have of each other.

II. COMPANY’S RESPONSIBILITIES UNDER THIS MOU

- 1) Company agrees to design, construct and supervise the modification of the Terminal Split.
- 2) Company agrees to be solely responsible for the operation and maintenance of the entire Terminal Split structure, after the modification, to insure it can deliver water, as necessary to the share holders
- 3) Company agrees to keep the Terminal Split and adjoining City property free of trash and debris due to Company's activities.
- 4) Company agrees to be solely responsible to fix and pay for all costs associated in maintaining the Terminal Split and in remedying any and all defects or damages that may occur once the Terminal Split is put into operation.
- 5) To the extent possible, Company agrees to locate all valves associated with the Terminal Split on the outside the Cedar City Airport fence.
- 6) Company can enter Cedar City property to maintain the Terminal Split only after coordinating its entry with the Cedar City Airport Manager or his designee,
- 7) Company agrees to be solely responsible for the delivery of water to its users.
- 8) Company will be solely responsible to maintain and clean the Coal Creek Irrigation system outside the Distribution System.
- 9) To the extent possible, Company will attempt to comply, in good faith, with Cedar City's request to deliver all of Cedar City's Coal Creek Irrigation Company shares, (Currently 686.21 Shares), and any and all future purchased shares of Coal Creek surface rights, to the Stucki North Ditch pipe through the Terminal Split (see Exhibit A). The water for all of Cedar City's shares, if possible, will be delivered during the months of December through March.
- 10) Company agrees to allow Cedar City access to the Distribution System in order to allow Cedar City to perform its necessary maintenance, to clean debris and otherwise keep the Distribution System in proper working order to maintain Cedar City's flood prevention improvements.
- 11) Once the improvements are made, Company shall indemnify and hold harmless Cedar City, its elected and appointed officials, its employees, agents, and assigns from any and all injury to persons or property caused by negligence in the construction, operation and maintenance of the Terminal Split. This is intended to include injury to persons and property of third parties.

III. CEDAR CITY'S RESPONSIBILITIES UNDER THIS MOU

- 1) Cedar City agrees to pay eleven thousand seven hundred ninety dollars and thirty-nine cents (\$11,790.39) to the Company for costs associated in the construction of the Terminal Split.

- 2) Cedar City agrees to continue performing its standard maintenance on all ditches, channels, pipes, and conveyances within the airport property (see exhibit A). This specifically excludes maintenance on the Terminal Split as mentioned herein. Prior to performing this maintenance, Cedar City will provide notice to Company's Water Master.
- 3) Cedar City agrees that the only valve it will operate, (after notification to Company's Water Master), will be the Stucki North Ditch valve, and this operation will only be to close the valve. With permission from Company, (after notification to Company's Water Master), Cedar City may operate the sluice valve when the need arises.
- 4) Cedar City reserves the right to improve its property by placing properly sized structures or bridges over any of the ditches owned and operated by Company.
- 5) Cedar City agrees that it's employees, agents, and assigns, will not make any changes to the flow in the Distribution System, without first receiving approval from the Company's Water Master.
- 6) Any damage to the Terminal Split caused by the City will be fixed at the City's expense.
- 7) Cedar City will keep the Quichapa flood channel cleaned to a level of at least one foot above the cement pad, on the downstream side of the Terminal Split. If during the time that water is running in this channel, and silt deposits occur above the one-foot level, the Water Master will notify the Airport Manager and if the City is not in a position to clean the debris, they will allow Coal Creek to have the debris cleaned, and the City will reimburse the Company.
- 8) Cedar City shall indemnify and hold harmless the Company, it's elected and appointed officials, it's employees, agents, and assigns from any and all injuries to persons or properties caused by maintenance of the Distribution System. This is intended to include injury to persons and property of third parties.

IV. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- 1) This MOU may be modified upon mutual written, and duly signed, agreement of the involved parties.
- 2) This MOU may be terminated upon mutual agreement of the involved parties.
- 3) All disputes resulting in legal action shall be governed by the laws of the State of Utah. Jurisdiction shall be vested in the District Courts in and for the State of Utah. Venue is vested in the 5th Judicial District Court in and for Iron County, State of Utah or in any other successor district court of competent jurisdiction.
- 4) Coordination of the activities of this MOU between the company and the City, will be between the Airport Manager and the Company Water Master.

V. EFFECTIVE DATE AND SIGNATURE

This MOU shall be in effect upon the signature of Company and Cedar City's authorized officials. It shall be in force until termination of the MOU. Company and Cedar City indicate agreement with this MOU by their signatures.

VI. SIGNATURES AND DATES

Coal Creek Irrigation Company

Cedar City Corporation

(Please sign)

(Please sign)

Ramon Prestwich
President

Maile L. Wilson
Mayor

Date _____

Date _____

CEDAR CITY COUNCIL
AGENDA ITEMS - 8
DECISION PAPER

TO: Mayor and City Council

FROM: City Manager

DATE: August 13, 2018

SUBJECT: Consider an agreement with SUU for a disc golf course at T-bird gardens.

DISCUSSION:

SUU approached the City and asked if the City would be interested in helping with a grant to fund a disc golf course at Thunderbird Gardens. The leisure services advisory board gave the concept a positive recommendation. SUU applied for and was awarded a grant to construct the disc golf course. In recent years Cedar City has been working with the BLM to fix up the Thunderbird Gardens area. BLM put in some fencing, trail maps, bike trails, and a trailhead parking area. The disc golf course will help attract more use to the property. I have contacted the BLM to discuss possible conflicts with the trail project and the BLM staff is supportive of the disc golf project.

Attached is a proposed agreement. The agreement is that SUU will purchase, install, and maintain the necessary equipment. The City will allow access to City property and the City will pay \$5,000 to SUU to support the project. The \$5,000 will come out of already budgeted money, so there is no request to budget additional funds. The attached agreement also has a map to give you an idea of how the disc golf course will be situated.

SUU received the grant, signed the agreement, and is ready to install the disc golf course. Please consider approving the agreement.

DISC GOLF AGREEMENT

This agreement is entered into this _____ day of _____, 2018, between Cedar City Corporation, a political subdivision and Utah municipal corporation, hereinafter referred to as "City", and; Southern Utah University, a Utah Institution of Higher Education, hereinafter referred to as "SUU".

WHEREAS, City owns an interest in the land known as Thunderbird Gardens, this property is used for various recreational purposes; and

WHEREAS, SUU has approached City with an offer to install and maintain a disc golf course on the Thunderbird Gardens property, a map showing a conceptual layout of the disc golf course is attached hereto and incorporated herein as exhibit #1; and

WHEREAS, City and SUU agree that entering into this cooperative agreement will better utilize limited funds to provide a recreational amenity that will have a positive impact on the health and wellbeing of City residents, SUU students, and visitors.

NOW THEREFORE, City and SUU agree as follows:

City's commitments

1. City staff will meet on an Ad Hoc basis with SUU representatives to discuss and agree upon how the disc golf course is located and developed.
2. City will communicate with SUU before work is done that may impact the disc golf course.
3. City will assist with monitoring the Thunderbird Garden area for vandalism, shooting, dumping, and any other illegal activity.
4. City's law enforcement will monitor the Thunderbird Garden area.
5. City will maintain the access road into Thunderbird Garden from the end of the paved road to the trailhead in a manner that will allow access to low clearance vehicles. City will have no obligation to plow snow from un-paved roads.
6. City shall contribute five thousand (\$5,000) dollars toward the purchase of necessary equipment and construction of the disc golf course.
7. City will allow SUU access to the Thunderbird Garden area during the life of this agreement.

SUU's commitments

1. SUU staff will meet on an Ad Hoc basis with City representatives to discuss and agree upon how the disc golf course is locate and developed.
2. SUU will propose construction of the disc golf course in a manner that does not interfere with any of the current bike, equestrian, or pedestrian trails, or the trailhead developed by the United States Bureau of Land Management.
3. SUU will communicate with City staff before any work is completed on the disc golf course.
4. SUU will assist City in monitoring for vandalism, shooting, dumping, and any other illegal activity in the Thunderbird Garden area.
5. SUU will provide and install desired signage in the public right of way directing the public to the disc golf course. Signage shall be located in areas approved by City.

6. SUU will acquire all the necessary equipment to install and properly equip a disc golf course.
7. SUU will provide all the necessary equipment, labor, and material necessary to properly install the disc golf course. Installation of the disc golf course shall be conducted in a professional manner and to the greatest extent possible SUU shall return all disturbed soil and vegetation to its natural condition after installation of the disc golf course is complete.
8. SUU will work diligently in completing the installation of the disc golf course.
9. SUU will maintain the disc golf course without further financial contributions from City.
10. To the greatest extent possible SUU shall hold harmless and indemnify Cedar City, its elected and appointed officials, employees and assigns, from claims related to injury or damage to persons or property resulting from the construction, maintenance, or use of the disc golf course.

Mutual agreements.

1. This agreement may be revised only by the issuance of written amendments that are duly consented to and signed by both City and SUU.
2. Either party may terminate this agreement by providing 30 days advance written notice.
3. Upon termination of this agreement all improvements placed on City property shall become City's property.
4. Both City and SUU agree that for as long as this agreement is in place the disc golf course shall remain open to the use of the general public, subject to reasonable hours and fees at the discretion of SUU.
5. Both City and SUU will agree on the final design of the disc golf course prior to installation.
6. Both City and SUU will work cooperatively with each other and other entities including, but not limited to the United States Bureau of Land Management, to promote future improvements to the Thunderbird Garden area.

Approvals:

Dated this _____ day of _____, 2018.

Maile Wilson-Edwards
Mayor

[Seal]
Attest:

Renon Savage
City Recorder

Dated this _____ day of _____, 2018.

Authorized signature for SUU



Thunderbird Gardens Disc Golf Course

Main

EDIT

18 Holes • 4829 ft



CEDAR CITY COUNCIL

AGENDA ITEM – 9

TO: Mayor and City Council
FROM: Tyler Romeril
DATE: August 3, 2018
SUBJECT: Chapter 23 (Q) - Short-Term Rentals

DISCUSSION:

On May 8, 2018, the City Council passed an ordinance regulating short-term rentals within the City boundaries. As currently written, short-term rentals are allowed in all residential zones and any other zone for existing residential uses. Prior to passing this ordinance nothing was on the books limiting where short-term rentals could be located. The Kenny's would like the ordinance amended to restrict short-term rentals from the R-1 zone (see the attached proposed ordinance change).

The Kenny's proposal essentially restricts short term rentals in the R-1 zone unless:

- 1) the owner applies for and gets a home occupation license and meets all those requirements,
- 2) the owner resides in the home the entire time it's being rented, and
- 3) the rental capacity would be capped at 9 people no matter the size of the home.

Their proposal was presented to the Planning Commission on August 7th and was given a negative recommendation with a 5 to 1 vote (see attached minutes). Essentially the Planning Commission felt that the complaints about the short-term rental on Ridge Road was an isolated incident and that it did not justify changing the entire ordinance. They felt like restricting it from the R-1 zone Citywide was overkill. Although they voted to give the proposal a negative recommendation, two members expressed a desire that the ordinance be changed to limit the number of people an owner can allow in their short-term rental.

Even with the negative recommendation the Kenny's would still like to see their proposal through to the City Council. Please consider the proposal to amend the language of Chapter 23 governing the lawful location of short-term rentals in the City.

(Q). Residential Short-Term Rentals.

(1) Residential Short-Term Rentals Defined: excluding Bed and Breakfast facilities, the use and/or commercial use of property located in a Residential Zone (~~R-1~~, R-2-1, R-2-2, R-3-1, R-3-M, RE, RA); by any person or entity; for occupancy, rent or lease; for the purpose of receiving compensation, money, rent, or other bargained consideration; for a term of thirty (30) consecutive days or less. As an exception, Residential Short-Term Rentals are permitted in all zones. **other than the R-1 zone.** for existing residential uses. **Home occupations located in the R-1 zone may operate Residential Short-Term Rentals if they meet the requirements listed below in Chapter 23-9(Q)(9).**

(2) License Required.

a. It is unlawful for any person to keep, conduct, operate, or maintain a short-term rental within the City without a Residential Short-Term Rental Business License. A person who owns multiple short-term rentals is not required to obtain more than one business license for the operation and maintenance of those rentals.

b. A Residential Short-Term Rental Business License is not transferrable between persons or structures. Any person holding such license shall give written notice within thirty (30) days to the License Officer after having transferred or otherwise disposed of legal or equitable control of any rental licensed under this Section. Such notice of transferred interest shall be deemed a request to cancel an existing Residential Short-Term Rental Business License for such rental. No refund or rebate shall be issued for any license cancelled under this provision, except where ownership is transferred for one of the reasons listed in Subsection 23-7(D)(2). The new owner shall obtain a Residential Short-Term Rental Business License as required by this Section.

(3) License Application. An application for a Residential Short-Term Rental Business License shall conform to all applicable requirements of Section 23-6 and shall include the following additional information:

- a. the address of each building containing a residential short-term rental;
- b. if the owner of the rental dwelling is not a Utah resident, the name, address, and telephone numbers of a legal representative and agent who resides in the State of Utah;
- c. proof of liability insurance for the residential short-term rental;
- d. the signature of the owner of the residential short-term rental(s) certifying that the owner of the rental shall collect and remit on a timely basis transient lodging taxes.

(4) License Procedure. A Residential Short-Term Rental Business License shall be issued pursuant to the requirements of Section 23-6, except as modified by this Section.

(5) License Term. All licenses issued hereunder shall expire on January 1st of each year unless sooner canceled and shall be issued for one year only.

(6) License Fee. The fee for a Residential Short-Term Rental Business License shall be forty dollars (\$40) per license.

(7) Effect of License Issuance. The issuance of a Residential Short-Term Rental Business License shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to:

- a. legalizing an illegally created dwelling unit, use, or other circumstances, or
- b. recognizing a nonconforming use, structure, or other nonconformity.

(8) License Denial, Suspension, or Revocation. The City may deny, suspend, or revoke a Residential Short-Term Rental Business License for any of the following reasons:

- a. The licensee does not meet the qualifications for a license as provided under this Chapter.
- b. For nonpayment of all required fees for the Residential Short-Term Rental Business License, including late fees and inspections, when applicable.
- c. The licensee gave false or incomplete information on the licensee's application.
- d. The licensee has allowed or intends to allow the licensed premises to be occupied or operated in a manner contrary to the conditions set forth in the license, application, and this Chapter.

(9) Home Occupations of Residential Short-Term Rentals. A Residential Short-Term Rental operated as a home occupation in an R-1 zoned dwelling must comply as follows:

- a. Meet all terms as required by Chapter 26-IX-4(E),
- b. The person carrying on the Home Occupation must reside in the dwelling, or have an agent reside in the dwelling, and be present at the time of Short-Term guest check-in, and
- c. Short-Term guests occupying the property including the primary dwelling, guest houses, casitas or any other structures on the property shall not number more than nine (9).

THIS SECTION AMENDED BY CEDAR CITY ORDINANCE NO. 0925-13-1, 1012-16-1, 0426-17-4, 0509-18-2 and 0613-18.

(Q). Residential Short-Term Rentals.

(1) Residential Short-Term Rentals Defined: excluding Bed and Breakfast facilities, the use and/or commercial use of property located in a Residential Zone (R-1, R-2-1, R-2-2, R-3-1, R-3-M, RE, RA); by any person or entity; for occupancy, rent or lease; for the purpose of receiving compensation, money, rent, or other bargained consideration; for a term of thirty (30) consecutive days or less. As an exception, Residential Short-Term Rentals are permitted in all zones, other than the R-1 zone, for existing residential uses.

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a. It is unlawful for any person to keep, conduct, operate, or maintain a short-term rental within the City without a Residential Short-Term Rental Business License. A person who owns multiple short-term rentals is not required to obtain more than one business license for the operation and maintenance of those rentals.

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(3) License Application. An application for a Residential Short-Term Rental Business License shall conform to all applicable requirements of Section 23-6 and shall include the following additional information:

- a. the address of each building containing a residential short-term rental;
- b. if the owner of the rental dwelling is not a Utah resident, the name, address, and telephone numbers of a legal representative and agent who resides in the State of Utah;
- c. proof of liability insurance for the residential short-term rental;
- d. the signature of the owner of the residential short-term rental(s) certifying that the owner of the rental shall collect and remit on a timely basis transient lodging taxes.

(4) License Procedure. A Residential Short-Term Rental Business License shall be issued pursuant to the requirements of Section 23-6, except as modified by this Section.

(5) License Term. All licenses issued hereunder shall expire on January 1st of each year unless sooner canceled and shall be issued for one year only.

CEDAR CITY PLANNING COMMISSION

MINUTES

August 7, 2018

The Cedar City Planning Commission held a meeting on Tuesday August 7, 2018 at 5:15 p.m., in the Cedar City Council Chambers, 10 North Main, Cedar City, Utah.

Members in attendance: Mary Pearson -Chair, Craig Isom, Ray Gardner, Jill Peterson, Jennie Hendricks Adam Hahn, and Hunter Shaheen

Members absent – none

Staff in attendance: Kit Wareham, Tyler Romeril, Drew Jackson, and Michal Adams

Others in attendance: Bob Platt, Mark & Teri Kenney, Tyler Garfield, Sue Houston, Jeremiah Davis, Marion Allan, Jim Allan, Dustin Langston, Courtney Braithwaite, Nic Braithwaite, Elaine Allen, Dave Lawley, Eric Vogt, Tammy Vogt, Danny Stand, James Aton, Camie Trenholm, Jonathan Carter, Rick Hunsaker, Brad Green, Tom Jett, Bob Whitelaw, Tim Adams, Jake Adams, Danielle Rehkop, Cindy Rehkop, Bradley Rehkop, Christine Marx, Hal Marx, Lorie DeMille, Jeanine Howells, Jim Howells, J. Rock, R. Scott Phillips. Elaine North, Kimball Weaver, Ethan Bunker, Stacia Ship, Sherrie Hansen, Brian Middleton, Karen Parry, Mitchell Grimshaw, John Grimshaw, Art Talbot, Symbria Patterson, Marie Morgan, Cynthia Ferree, Victor Schafer, Melaena Hunsaker, Kyle Hunsaker, DAnne Robinson, Dannel Shirley, Jacob Christiansen, Brenda Reber, Robert Ennis, Russell Olsen, Barry Short, Ben Batty, Denice Beacham, Andrew Young

The meeting was called to order at 5:15 pm

<u>ITEM/ REQUESTED MOTION</u>	<u>LOCATION/PROJECT</u>	<u>APPLICANT/ PRESENTER</u>
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I. Regular Items

**1- Approval of Minutes July 17, 2018
(Approval)**

Craig moved to approve the minutes of July 17, 2018, seconded by Adam and the vote was unanimous.

2- Amended Plat (Recommendation)	136 East 680 South To create twin-home lot	Shakespear/Platt & Platt
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Bob Platt presented and pointed out the lot in the Forest Park Subdivision fronting 680 South. The zoning complies, it is currently zoned R-2-2. They want to build a twin-home on this lot. That will require the amendment of this one lot as a twin-home lot. It is already in compliance with the zoning. **Adam moved to send a positive recommendation to the City Council on this lot modification; seconded by Jennie and the vote was unanimous.**

3- PUBLIC HEARING

Ordinance Amendment (Recommendation)

To no longer allow Short-Term rentals in an R-1 zone **Mark Kenney**

Tyler R. wanted to explain how we got here and the purpose of this meeting. Back in April he was approached by the City Council to write an ordinance regulating short-term rentals. They were given direction, there was not much regulation on them. It came down how to track them, getting those who have them to get license, pay taxes, etc. That ordinance was passed. Since then, he has met with the Kenney's who has a neighbor with a short-term rental that is out of control. He helped them to change the ordinance if that is what they want to do. The other side of the issue when giving advice and coming up with a solution is that it becomes a business license issue. These changes would now restrict property, and the changes would then come to the City Council. The purpose of this meeting is so the Planning Commission can come up with a recommendation either positive or negative, then the City Council will vote on any changes. That meeting will be a week from tomorrow, the night of the 15th in this building. As the ordinance is now written, short-term rentals could be in any residential zone. Also, some homes that are in commercial. They did not want to restrict them. That ordinance passed in May and they have had less than 10 get that license.

Mark Kenney and Courtney Braithwaite wanted to make their presentation at this time. They represent residents in the Royal Hunte Ridge subdivision. They propose to amend section 23-9-Q of the ordinance regarding short-term rentals. This proposal would make them with zoning limits. He would like to say they are not opposed to short-term residential rentals. Vacation rentals provide great places for family gatherings and reunions. They would prefer those be offered home rentals, not a vacation rental like a hotel. Southern Utah has lots to offer. They do not want to eliminate these rentals but restrict them to locations in the City that are already zoned for boarding and lodging housing. Many Utah cities have wrestled with this issue. The proposal they are presenting is amending short-term rentals to areas and bring in harmony to allow them to exist but to not allow them in permanent, quiet residential neighborhoods.

He went over the chapter defining the zones and quoted from the R-1 zone. They do not want to eliminate rentals but restrict them to locations in the City that area already zoned for that. Restricting property rights is challenging. Completely unrestricted uses create chaos and instability. A city must establish order and limit the governing use of property. A family using a 1-family house is restricted to just 1 family. Boarding houses, lodging houses, houses with 2 or more families is strictly prohibited in this zone.

There is a large home on Ridge Road that is a vacation rental advertising as 30 people. The magnitude of that rivals the size of some small hotels. It was constructed as a house, but they are not required to comply with all the codes and parking required of a similar sized hotel. Using this as a vacation rental is contrary to the R-1 residential characteristics. That prohibits high density housing. He had a slide showing the parking on the drive and into the street. It has increased the parking. He has counted 15 cars on the street. On one occasion, there was a large bus in front, so the occupants could exit. Those with the surrounding homes are upset. This short-term rental is not conducive to that many occupants. They dump trash in the street, they are calling out loudly, there have been near misses as children are in the street and have ATV's in the street. The residents here are worried if this continues, that more homes will become rentals like this in their neighborhood.

They feel that other than in the R-1 zone, they could operate a residential short-term rental if they meet the requirements shown on his slide in Chapter 23-9-Q. There is only about 10% of the City zoned R-1 at this time, so short-term rental will impact a very small number of property owners who should be aware of the restrictions. This would not prevent homeowners from renting an extra bedroom, a casita, or even a couch as a home occupation in the R-1.

They quoted a definition and stated in normal houses, you can't tell what is happening inside. This would not happen if the homeowner were present when they are checking in. The difference in short-term rentals and home occupations operating out of a home is the home occupation requires that the homeowner reside in the home. Short-term rentals do not require them to be there.

They propose that a home occupation participating in short-term rentals be limited to 9 guests and any greater than 9 would be considered a home occupation. More than 9 belong in a zone for high density lodging. There are similar type ordinances and unlike the R-1 zone, the R-2 and above are where they are allowed lodging and rooming houses. How all this would be enforced, they feel they should not be allowed in R-1 unless they get a home occupation variance. All the surrounding neighbors would continue to complain to the City and have evidence of what is going. Life and the pursuit of happiness is a property right and they should be preserved and protected. They selected to live in the R-1 for these reasons and now are being infringed upon and it is no longer a quiet neighborhood. Without this change they have chaos and instability. He would like to see the Planning Commission give a positive recommendation to their changes to the City Council.

Courtney Braithwaite would like to tell her story; they decided to build a home. She went back to slide 1 and read the designation of the R-1 zone and they read this before they moved, as that is what they wanted. She has a 6-year-old son and outside his window is a hotel. They are loud, waving to them, it is not a regular house, but they are renting to 5-6 families, 30 people at a time. They are scared when she puts her son to bed at night. They will need cameras around their house for sure. It is unsettling to know that is across the street. They use Air B&B when they travel. They have a kitchen, living space. They are still leaving lots of room for those here in Cedar City. There are lots of other zones. Not here in the R-1 they want to ban the Air B&B and protect the family zoning. The compromise is the home occupation that is there. They looked at an Air B&B on Rose Hill and they should be able to keep that casita for extra income. They just need to get that license and let the neighbors know what is going on.

Mary opened the public hearing. She wanted all to come to the mic, state their name and keep this discussion calm.

Brian Middleton is a special ED teacher. He has been living here for a while. His family has roots here, and he appreciates this format. He feels that you don't have to change the ordinance, and he has done some research and offers some alternatives. He has heard that there is 1 example of 1 situation with 1 home that has been inconsiderate. They have broken the parking ordinance, the noise ordinance, and other ordinances this City has in place to protect neighbors, etc. Noises too loud, after a certain hour, you report that. Addressing this situation in this way just because of 1 house, is like shooting the golden goose because it crapped on your lawn. They need to follow the rules that are in place. The rights of property ownership exist for a reason. They can use methods

that are not to this extreme. This community that is upset could form an association that could restrict the uses like that. As a member of an HOA he knows how that works. This change is too much, it is a bad move, it offers too many restrictions. They offer lots of consideration, and there are the things in place they are not opposed to. In the case of 1 person, 1 home and not checking in with the neighbors, make sure they are complying with all the rules. They should have this 1 home comply with these rules right now, not change the rules.

Eric Vogt, a resident on Ridge Road retired here. They built a house and looked up the current zoning for where they wanted to place their dream home. The rules at that time in the R-1 where boarding houses, and multiple dwellings were not allowed as well as commercial and industrial and home occupations was strictly limited. They are now renting out a house to 30+, tour busses, as many as 15-16 cars etc. For these reasons he is opposed to short-term rentals in any R-1. The compromise that has been proposed here is the best, but in general, any openings for these abuses the next thing you know you will have a hotel in your neighborhood. They have all witnessed this. There are fire ordinances not being observed, this hotel has not gone thru the necessary parking, trash pickup, etc. He is opposed to people operating hotels in the R-1 zone. They checked the percentage of housing in R-1 and that is around 10%. He is in favor of having short-term rentals in other residential zones, and the R-1 should be the one zone that would be a quiet enjoyment of your home.

Melanie Hunsaker is related to this house in question. She said it was good they want some type of guidelines. She lived in Equestrian Pointe and have sold that. In 10 years they may have seen family members once per year. When she was in Hawaii, she only saw family members 1 time. Now they have a place to stay when they want to get together. When the family bought this house, they were so excited. Her husband has 5 siblings and all their children gather. In less than 1 year now, they have seen family members 10 times. If there are 30 people there, that includes all the Hunsaker's. She is glad there is this house that can accommodate their family. She feels they are restricting the ability to multiply and replenish the earth.

Cathy Hunsaker said she is the owner of the horrible home. As they purchased that, they did look at what would accommodate their family. They have over 32 in their family. When there were all those there, that was one day they had a family reunion at their home. Her great-grandparents were the ones that settled Cedar City. They have loved this. They told all the neighbors they were purchasing this home, and the majority that stay there are their friends. They very seldom have more than 20 in her home. It is her and her kids, and the kids out there playing, are her 19 grandchildren. If the neighbors have a problem, they need to be told. Since they purchased that home, they have had people in Cedar City ask if they can have weddings and have all their family stay. They are rated as a #1 or five star, not a hotel. The bus was a one-time thing, they did not know about, it was a swimming team and they wanted to keep together, make sure they got to sleep, and got to things on time. The bus did come, and it was there 45 minutes while they unloaded. If any of this is unacceptable, they will adhere to the rules. And Ridge Road is on the map as an ATV access. The only ATV's on her property belong to her. They will adhere to all these rules. It is their primary residence but because of work, they travel a lot. They don't want it to be vacant when they are not

there. They have talked to neighbors. She has only had 1 response and that is that they never knew anyone was there. If there are loud children running around that is her grandchildren. That house is completely fire safe. She would love any input. Since this has come up, they do wave to their neighbors, but some drive by, take pictures and stop them and ask who they are and why they are there. They want to be good neighbors, if there are problems, they want to know so they can take care of it.

Ben Batty with the Iron County Home Builders. There are 5 protected property rights; one is to earn income from your property. He would request they send a negative recommendation.

Darnell Shirley was born here in Cedar City. She has an Air B&B in her home. She lost her husband 13 years ago and was on the verge of losing her home. They have been doing Air B&B now for a year. She has had a bus at her house. A theater group came to stay. Most guests have more than 10, they are families. They have a book and they write their experiences. Neighbors have no complaints, their friends all stay. They pay property taxes, they own the property, they should be able to do what she wants. Others are respectful. There must be another way and not just large government restricting them more. Her neighbor lost his job, they were expecting another child, they opened one bedroom up and that has helped them make ends meet. This is a great way to connect people and make new friends. She has met lots of people from lots of different places. Her home is a way to connect with others and share. Don't change the rules.

Tammy Vogt who lives on Ridge Road, would like to reiterate some things. They are not opposed to short-term rental just in the R-1 zone. It is already prohibited by the zoning. They built in the R-1 as those things are prohibited. Mrs. Hunsaker mentioned that they use this for family, reunions, and she would absolutely support that in any other zone. The ones that want to rent out like up here, need to pursue a home occupation and get reviewed and go thru the process so they know what you want to do and there are more checks. You just don't get a license to get room tax. There are parking issues, traffic increases, this should only be occasionally, but on the web site, they are booked thru January of next year. One thing is family, but the other is a commercial venture and it comes with safety issues. They say they can enforce things that are in the ordinances, but she has called code enforcement. When the parking was taking up the whole block and there was nothing they can do unless cars are parked for more than 3 days. They can do nothing, as they don't stay for more than 3 days. They try to make the neighborhood enjoyable. They feel they need to change this. They are in support of tourists, they have more options to stay, they recognize the need for nightly rentals, but think there are other options. There are options for large groups, and there are other options. There are large homes also in the R-2 and the R-3 zones. They don't want to infringe on Cedar City bringing people in. They purchased in the R-1 zone and should be fully aware of what is and is not allowed. They are asking the City to enforce that code.

Tyler R. stated that yes, a boarding and lodging house is restricted in the R-1 but those definitions are in Article 1 of that chapter and a boarding house is a home with meals and the owner resides on the premises. Short-term rentals don't come with meals. A Lodging house is renting out a room only, and a short-term rental is the entire house. Those definitions were written probably 30 years

ago, and how those are currently defined, they would be allowed to be in an R-1 zone.

Adam said this property has a business license, so if this were to change, would that be retroactive or are there options. Tyler said that could be grandfathered in, or they could keep that until the license expires in 1 year or adapt this and refund any of those that have a license and want to comply with a new ordinance.

Jill was thinking along the lines of home occupation, that could work, as they are strict about what is allowed, what is not, the square footage of a house and what they are using it for. Perhaps Tyler could work with the issues, like the number of people that can reside in 1 home. Or if the owner needs to be there during check in.

Tyler said that is the definition of a lodging house. To have them in a home, and then restrict that is what they need to look at. Tyler said for the home occupation license you take the square footage of the main floor, you get to use 25% of that for your home occupation. They could do it that way, but you could use say only 2 of the bedrooms, and he can suggest that but if they want to do this the way it needs to be they probably need a whole new set of rules.

Justin Linkston loves Cedar City and has not a lot to say on each side. There are HOA's and even though just 10% of the City is that zone, you are punishing them all for the one. If you want to force them out and have them go someplace else, then an HOA is the tool to use. He currently has 3 families of the FLDS around him and they all have 30+ people.

Jacob Christiansen lives on Highland Drive and has an Air B&B in his basement. He finds this painfully aggravating, and he can be sympathetic to both sides. The City should not be holding the zoning over all of them, and it is more important that people have their liberties. He said that Highland Drive has CC&R's and if you read them, you are not allowed to rent or sell to a person of color. That is something that can go. The smallest branch of the government is the one most capable.

Whether it is himself, or his neighbor, that should be taken care of before some organization comes in with more restrictions. The Air B&B people are lambs, so do not make them dragons. They are kind, fun, dynamic people who make lots of friends. He has lots of friends, likes to rent his out, the Air B&B likes to protect all their rights. Take care of those that are a nuisance, but don't let one neighborhood have more power. To change the entire ordinance, to limit to only 9 people, that is too restrictive. It is best to leave it alone. Let people do as they do, except for those that are a nuisance. When he first heard the description of this house, he thought it was a nuisance, but then he hears from the property owner, and that is not a nuisance at all. He can sympathize with those that need to try and change things.

Barry Short lives on Ridge Road, but at the north end. He is not sure how one ended up on Ridge Road and talked about what the law says. On the north end of Ridge Road, the largest house may have 4 or 5 bedrooms. He could not tell you which one may be an Air B&B. Unless they do something that bothers him, it is not his business. Talked about taking some legal standpoints. Had two bills that went through the state legislature one in 2017 and one in 2018 all about local

government and business licensing. It does not address banning types of businesses in any zone, but does address the licensing process, and what can be changed, and how you go thru licensing and see if they all remain in accord. In the 2018 bill, he went to page 5, line 135, and they deletions it now reads "may not charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone." (see attachment #1) If someone stays in 1 room of a home, you cannot regulate those activities. He feels that to remove this from every home in R-1 zone is just too broad. That would expose the City to law suits.

Craig said he knows many of the people in this room, many are his neighbors. He knows the Hunsakers. He should give them all an apology for having 29 people in his home over the recent holiday. This may not be the place, but as a neighbor, he feels that neighbors should be neighborly and live in accordance with what they were taught by their moms and dads. They all need to get along. Only one nuisance does not drive an ordinance change. He would appeal to neighbors to be neighborly.

Denise Beacham runs an Air B&B and just had a summer games group of 15. They have a theater group coming in and there will be 12 of them. They appreciate the right to have the use of their home in the way they choose to do. Her neighbors all know because she has told them. They are respectful of the neighbors. She would ask those here to secure her right and not have so many rules. They must abide by the strict rules of the Air B&B like safety, etc. Do not put more hardships on them. Let the homeowners make decisions for themselves.

Sherrie Hansen has been in the insurance business for 31 years. Hers is a different slant on liability. Many homeowners and the City know if you buy a policy for your home, then if that is rented out, it becomes a business and then you need a motel policy. She does now know how many of them have the right kind of insurance. As the City looks at this, there may be a requirement that they have the proper protection. If they run an Air B&B and have short-term rentals, then it becomes a business.

Marion Allen lives on 1850 West just above Ridge Road. They moved there because it was protected from having any businesses in the zone. They feel their rights are being violated. When Mrs. Hunsaker said they would be having their families there, and occupy that home for gatherings, they were all excited. Now they feel betrayed because they are not the occupant of the home, and they look on line and see the ad for that home of 30 beds. They advertise on line as experienced renters. They feel they come into the community and take advantage of the neighbors. They need limits and restrictions. They want restrictions so that their rights are not violated.

Brian Middleton back on the liability issues; the Air B&B provides 1 million per occupant per liability. He is not aware of the other companies. He does know that all other companies have come off that Air B&B reputation. From what he has heard, the home owner has not had these concerns addressed right to her. That is not a good neighbor. As far as he knows, there should not be restrictions on family coming to visit, as far as crazy things, like sports teams, not sure they are criminals, and if it is only this 1 home, then that owner needs to be told. There is limitation of local

things like parking, etc. That may need to be changed so code enforcement can do something. Again, he thinks you are killing the golden goose because it crapped on your lawn once.

Ethan Bunker said after listening to both sides, they need to be good neighbors. He lives next to the Ridge Road park and there are lots of cars at that park. It comes back to education, being a careful parent, etc. He feels lots of this is the neighbors. If you are considerate, this should not be an issue. You will always have 1 or 2. A blanket change for the whole zone should not be necessary. He does not feel threatened in his home when others have other people in their home. When he worked at the Town and Country, they called the cops about once per week. You can call them to come if there is a problem. He sees no reason to get all involved in this. Good opportunity to welcome people in and that is reaching next door also. Just get this neighborhood together to work on this.

Brenda Reber has been in Cedar City 5 years. She has homes in other cities and has had both good and bad renters. Some things that have not been addressed; it is great when you rent your home, you have a yard guy, a pool guy, cleaning people and it is all kept in great condition. In Las Vegas they are looking to require a license for this and to attend certain classes on what is expected. There are ways to do this other than this change. There are party squashers, and they measure the loudness and then you are notified. She is gone, and they know if the neighbors see anything, they call her. She wants her homes taken care of. They do not want loud parties, etc. It does seem like a few bad apples want to ruin it for all of them. She gave an example of the single mother with 5 kids. She helped her set up her home as an Air B&B and now she can make ends meet. They need certain rules, they need to educate the homeowners, just a blanket policy would hurt lots of them and she is against that. Consider other routes. There is lots more to be considered than what has been stated.

Bob Whitelaw is a resident now of Parowan but has a home in an R-1 zone here. He recently sold one in an R-2 zone. This would restrict what he could have in his home. His home in Parowan has an office but could be an Air B&B and he would hate to have restrictions on that. He owns also in Brianhead and they have lots of hoops to go thru up there to be an Air B&B. He would like to see all who do not have licensing get it, and some need to get on Air B&B so they are charged taxes they are not paying now. Now they talk of a situation of 30+ people. His largest only holds 15 and sometimes they leave a mess. He would question that only 10% of Cedar City has large homes. The problem in residential is 30 in just 1 home. If this passes, then it restricts him in doing something in his home. He appreciates both sides, it is a nightmare to have lots of different people there all the time and not just a family staying there. He hopes as a homeowner that this does not pass.

Bob Ennis wanted to talk numbers; there are 549 Air B&B in the Cedar City limits. They average \$109 per room per night. If you have average occupancy, you are looking at \$6,582,510 coming into the community just for these rentals. He likes money, he hopes they all like money. They need to do all they can for this lovely tourism town. Whatever you come away with, don't miss sight on what an opportunity this is.

Russ Olsen said he is the neighbor to the north of this violating house. The problem is not miscommunication, he has personally written a letter with his concerns and has been by many times.

He has never seen this couple on the property. When you go to the door, it is renters from out of state. The problem is the volume of 30+ as advertised and the web site says there is floor space available, so you do not know the number of persons that can stay there. They use self-check in, they get a code because the owners are not there, the driveway is steep, so they come in and out too fast and there have been near misses on that street. They as neighbors must be hyper vigilant. Code enforcement does not come out and their hands are tied. To say this is just for family, the web site says they are fully booked and he does not think that family would need to go on the site and book that. It is a stretch to say they are full time residents. They are not there. He believes people have the right to rent rooms, but where they are not willing to cap it off, the City should step in and cap that occupancy. Reason does not prevail, they need a rule. People from Las Vegas are buying up houses for this purpose and all that money will go to Las Vegas, not here. This could show up next to you. All types of people will come in. They cannot screen these people. They should put some restrictions to protect them.

Teri Kenney felt Mr. Isom was disappointing in calling out the whole group when he does not have the whole story. He really does not know all the people on that street. Craig said he just feels that in the community, they all need to be good neighbors. Teri asked what you do when you have a neighbor where all the world is family or friends. She has a daughter that makes friends easily, everyone she meets becomes a friend. She is not sure someone can have so much family and friends and if you believe that is what it is, that is a drain on the neighborhood when you constantly have others, and you don't know who they are or what they are doing. They need to look at the situation, figure out who is over there. They really don't know. Are they all family or friends? It is a real annoyance. They need to have a cap put on how many people can rent in a neighborhood like that. There are many large houses. If they can all be used this same way. The sheer numbers will get to them. Also, there needs to be someplace in town you can live and not have an HOA. They mentioned some 549 Air B&B in this city and that is such a minority compared to how many houses there are in Cedar City. You want them to be friends to their neighbors, but they do not appreciate a house full of people all the time. If they are them and their children, they figure it is their house and they can have that many over, but it is hard for neighbors to feel neighborly when it is advertised as 30 and \$10 for each additional person beyond that. It is not the one of a widow trying to make ends meet. This is so noticeable and difficult to deal with. It is far beyond what you can stand in a neighborhood. What they have outlined is not for other zones. They would just like to see the R-1 keep its integrity.

Mary closed the public hearing.

She wanted to allow the commissioners to make comments and see if they had heard enough from both sides to decide or if they had any more questions for anyone.

Hunter said to him the issue was more about enforcement than a change to the ordinance. There is maybe an oversight on enforcement and the City can correct that. No ordinance needs to be changed to solve that. As it is as much noise and traffic. As he thinks of the property, most of the Planning Commission have seen aerial views or have been by there, and there is lots of parking at this place. The city streets are owned by the City, so people can park on them. He feels they need to enforce

what they have, and not make this change to the ordinance.

Jill felt this change was too broad; it is just this one incident and most Air B&B's are great. It is just the volume of this one. When they have a home occupation they must be in keeping with the neighborhood. This one with so many people, is not in keeping with the R-1 zone. Maybe it is enforcement, and she agrees with where Hunter is going. They don't want to restrict all R-1 but just need to address this one. And the limiting of only 9 guests, she was not sure how they came up with that number.

Adam said it was the basic "NIMBY" not in my back yard. Removing them from all the R-1 zone would not be the fair thing to do. You can't pick your neighbors; as he lives next to some that he has fits with, but you can't pick your neighbors. They are not necessarily permanent residents you live next to, he is not hearing anything that is in violation. They are all parked on City streets. It is a wide street, and they may park in front of your house, but you don't own that land. They can park there. He sees the City dictating what you can do in your house, and maybe 30 is too many for your house. You have a neighborhood, you have code enforcement, and they say there are just too many people. He understands that is not the type of neighbors you thought you were going to get. He feels that the ordinance is not a good change.

Mary hears that the issue with most is the number of occupants. For 365 days of the year if you choose, you can have all sorts of different people in this house. They need to address being neighborly, and if they feel 30 is too many, or they may want to come up with how many days per year this would be allowed.

Tyler R. wanted to again give a quick purpose of this Planning Commission. They just need thumbs up or thumbs down when this goes to City Council. Just need to vote as it has been presented with these requested changes.

Jill wanted to let the group know that this board has no power; they are the listening body then they give a recommendation and it is the City Council who will make the final decision.

Jennie said just because they vote on this issue, it is not shutting anything down; they either agree or disagree with what they want done here, but she feels there is more work to be done.

Adam moved to send a NEGATIVE recommendation on this change for no Air B&B's in the R-1 zone; seconded by Hunter and the vote was 4 ayes, 1 nay so the vote passed.

Tyler said so this will go on to City Council, they can come back and re-write things, if they want, or take it how it is written now. Tyler was not involved in this entire change and did not give them a positive or negative either way.

114 (A) the costs that constitute disproportionate costs; and

115 (B) the amounts that are reasonably related to the costs of the municipal services
116 provided by the municipality.

117 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to
118 the costs of the municipal services provided by the municipality.

119 (d) (i) Before the legislative body of a municipality imposes a license fee on a
120 purchaser from a business for which it provides an enhanced level of municipal services under
121 Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance
122 defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):

123 (A) the level of municipal services that constitutes the basic level of municipal services
124 in the municipality; and

125 (B) the amounts that are reasonably related to the costs of providing an enhanced level
126 of municipal services in the municipality.

127 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to
128 the costs of providing an enhanced level of the municipal services.

129 (6) All license fees and taxes shall be uniform in respect to the class upon which they
130 are imposed.

131 (7) A municipality may not:

132 (a) require a license or permit for a business that is operated:

133 (i) only occasionally; and

134 (ii) by an individual who is under 18 years of age; or

135 **** (b) charge [~~a license fee for a homebased~~] any fee for a resident of the municipality to
136 operate a home-based business, unless the combined offsite impact of the [~~homebased~~]
137 home-based business and the primary residential use materially exceeds the offsite impact of
138 the primary residential use alone.

139 (8) (a) Notwithstanding Subsection (7)(b), a municipality may charge an administrative
140 fee for a license to a home-based business owner who is otherwise exempt under Subsection
141 (7)(b) but who requests a license from the municipality.

**CEDAR CITY
COUNCIL AGENDA ITEM 10
STAFF INFORMATION SHEET**

TO: Mayor and Council

FROM: Kit Wareham

DATE: May 16, 2018

SUBJECT: Consider a Property Donation/Gift to Cedar City

INFORMATION:

Cedar City has been offered a donation from Wells Fargo Bank of a property located south of the Wells Fargo South Branch as shown on the attach drawing. This property is approximately 3,000 square feet of area. The property will be used in the future to widen the adjoining Maple Street to its design width and to extend City utilities as needed for future development. The donation received a positive recommendation from the Planning Commission.

II. Staff Items

1- **Consider revising the City Street Master Plan to include Industrial Road as a 75' wide Minor Arterial Street from 300 West to Airport Road.**

Kit W

Kit said that they want to make Industrial Road a 75' wide master planned road. They are seeing more traffic all the time thru here. The City is also looking at a corridor as a parkway and a trail along the edge with a little stream to beautify the area. They need to have this on the City master plan, so they can go to the County and requests corridor preservation funds. This will be all the way from 300 West to Airport Road. Adam ask if this was where the railroad tracks were. Yes. Kit said it does narrow to 75' right at the overpass and they can get this road in there as there is a 1' gap on either side.

Jennie moved to send a positive recommendation to City Council on this master planned road; seconded by Adam and the vote was unanimous.

2- **Land Gift to City**

800 S & Main

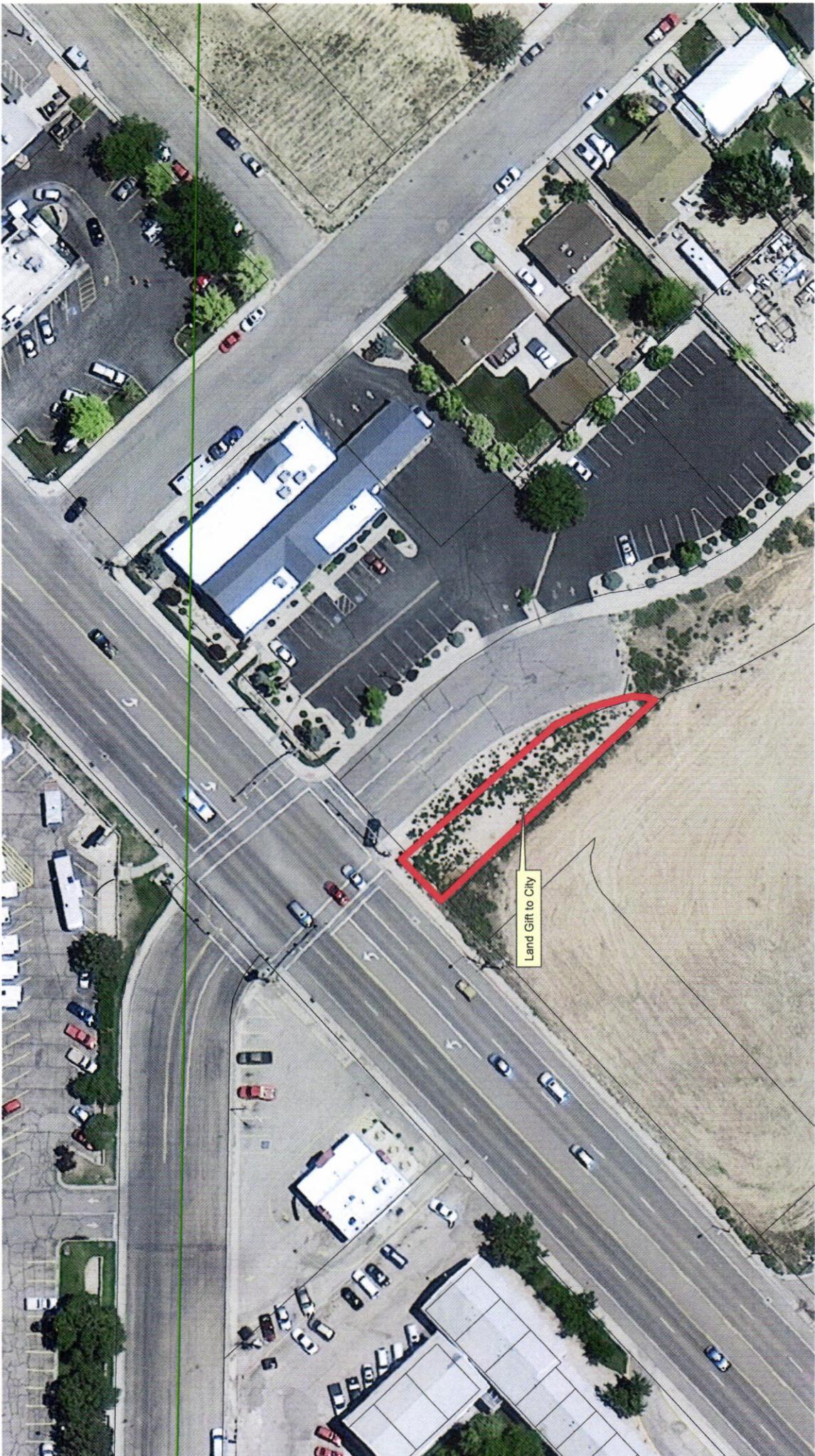
Kit W

Kit has been dealing with the Leavitt's on their new family apartments just south of the IFA shopping center. In this development they are putting in some road to connect to Main Street and run utilities there also. In one spot where they need to put utilities, there is a parcel owned by Wells Fargo. They have asked for an easement there and they decided to just gift that to the City. It will become a City right-of-way if they vote to accept that. It was asked if there were any reason the City would not want the parcel? Kit said one good reason to have it is there is already a city sewer line in there.

Craig moved to give a positive recommendation to the City Council for this land gift; seconded by Jennie and the vote was unanimous.

The meeting adjourned at 6:55 p.m.

Michal Adams, Executive Assistant



Land Gift to City

**CEDAR CITY
COUNCIL AGENDA ITEM 11
STAFF INFORMATION SHEET**

TO: Mayor and Council

FROM: Kit Wareham

DATE: August 15, 2018

SUBJECT: Consider Call-out List of Consultants for the City Material Testing Contract

DISCUSSION:

Please find attached the recommended call-out list and bid tabulation for the engineering consultants to perform materials testing for the City. For many years the City has used local Engineering Consultants to perform materials testing on various City projects. These consultants have been selected through a bid process. The consultants on the call-out list will be under contract with the City according to the provisions of the bid documents and contract. This includes a requirement to have liability insurance. I have not included the entire bid documents and contract with this sheet. If you would like to see the entire bid documents and contract, please let me know and I can provide them. The part in the bid documents and contract on how the recommended call-out list was established and will be used is as follows:

A. Call-out List Make-up

- 1) All qualified consultant who provided responsive bids will be placed on the call-out list.
- 2) The order that the consultants will be called out will be in order of the total bid amount with the lowest bidder on top of the list and the highest bidder on the bottom of the list. **As shown on the attached Bid Tabulation, based on their low bid GEM Engineering will be the first firm called out for testing and Watson Engineering will be the second firm called out.**

B. Call-out List Procedure

- 1) Call-outs for any materials testing work shall always be in the order of the call-out list top to bottom.
- 2) All call-outs will be on weekdays during working hours of 6 a.m. to 6 p.m. unless arranged otherwise between the City and Consultant.

- 3) The Consultant on the top of the list shall always be the first to be called for any materials testing work.
- 4) If a Consultant cannot respond to do the materials testing within the allowed time as stated here-in or the City cannot contact a live person who is an employee of the consultant to arrange for the testing, the City will proceed down the call-out list to a Consultant who can respond to do the materials testing within the allowed time.
- 5) If a Consultant is contacted by the City and verbally commits to respond to do the materials testing but the Consultant does not arrive to do the testing within the allowed time, then the City will proceed down the call-out list to a consultant who can respond to do the materials testing within the allowed time. (No stand-by time will be paid to consultants who arrive after the allowed time)
- 6) Consultants that do not respond within the allowed time after being contacted and verbally committing to respond will be moved to the bottom of the call-out list for the remainder of the duration of the Agreement.

**CEDAR CITY CORPORATION
MATERIAL TESTING BLANKET CONTRACT
BID TABULATION 2018**

		WATSON				GEM ENG.	
		UNIT	ESTIMATED HOURS	UNIT COST	AMOUNT	UNIT COST	AMOUNT
1a	Geotechnical report for Initial Test Pit or Boring	Each	3	\$ 1,500.00	\$ 4,500.00	\$ 500.00	\$ 1,500.00
1b	Geotechnical Report added cost for Additional Test Pits and/or Borings	Each added pit or boring	10	\$ 250.00	\$ 2,500.00	\$ 100.00	\$ 1,000.00
STANDARD MATERIAL TESTING							
2	Soils Proctors	Each	10	\$ 150.00	\$ 1,500.00	\$ 60.00	\$ 600.00
3	Moisture Density Test	Each	300	\$ 15.00	\$ 4,500.00	\$ 7.00	\$ 2,100.00
4	Gradation Tests	Each	10	\$ 165.00	\$ 1,650.00	\$ 50.00	\$ 500.00
5	Concrete Compressive Strength Tests	Set	50	\$ 150.00	\$ 7,500.00	\$ 70.00	\$ 3,500.00
6	Concrete Air Entrainment Tests	Each	50	\$ 40.00	\$ 2,000.00	\$ 5.00	\$ 250.00
7	Concrete Slump Tests	Each	50	\$ 35.00	\$ 1,750.00	\$ 5.00	\$ 250.00
8	Asphalt Extraction/Gradation Test	Each	20	\$ 250.00	\$ 5,000.00	\$ 90.00	\$ 1,800.00
9	Asphalt Density Tests	Each	150	\$ 12.00	\$ 1,800.00	\$ 7.00	\$ 1,050.00
10	Asphalt Thickness Tests	Each	100	\$ 10.00	\$ 1,000.00	\$ 5.00	\$ 500.00
11	Asphalt Marshall Mix Design	Each	2	\$ 500.00	\$ 1,000.00	\$ 300.00	\$ 600.00
12	Testing Technician Standby Time	Hrs.	100	\$ 45.00	\$ 4,500.00	\$ 25.00	\$ 2,500.00
13	Engineer Observation/Consultation & Report	Hrs.	100	\$ 110.00	\$ 11,000.00	\$ 70.00	\$ 7,000.00
BUILDING SPECIAL INSPECTIONS							
14	Continuous On-site Inspections of Groove and Fillet Welds	Hour	5	\$ 85.00	\$ 425.00	\$ 65.00	\$ 325.00
15	Periodic On-site inspections Fillet and Deck Welds, Reinforcing Steel Weldability, Seismic Bracing, Etc.	Hour	3	\$ 85.00	\$ 255.00	\$ 65.00	\$ 195.00
16	Masonry Prism Verification Testing (3 cylinders per set)	Sets	3	\$ 275.00	\$ 825.00	\$ 250.00	\$ 750.00
17	Grout Cylinder Verification Testing (3 cylinders per set)	Sets	3	\$ 125.00	\$ 375.00	\$ 70.00	\$ 210.00
18	Continuous On-site Inspections of the Preparation of Grout and Mortar Specimens and Prisms	Hour	5	\$ 75.00	\$ 375.00	\$ 62.00	\$ 310.00
19	Stand-by time	Hour	2	\$ 85.00	\$ 170.00	\$ 62.00	\$ 124.00
20	Final Certification Report	L.S.	1	\$ 250.00	\$ 250.00	\$ 100.00	\$ 100.00

TOTAL BID AMOUNT

\$ 52,875.00

\$ 25,164.00

APPARENT LOW BID: GEM ENGINEERING

CEDAR CITY COUNCIL
AGENDA ITEMS - 12
DECISION PAPER

TO: Mayor and City Council

FROM: City Manager

DATE: August 13, 2018

SUBJECT: Consider a resolution re-allocating Parks RAP tax money and impact fees to renovations at Bicentennial Fields and trail expansion.

DISCUSSION:

Current funding allocations.

Last winter the Council re-allocated some RAP tax money and impact fee money so that Cedar City could move forward a couple of projects and stay in compliance with the rules regulating how we spend impact fees and RAP tax. The Council approved re-allocating impact fee money to pay for the last sets of fields at the hills lighting. A like amount of RAP tax was moved to fund renovations at the bicentennial complex.

Status of the Field at the Hills lighting project.

The field at the hills lighting project is complete. The actual cost of the project came in \$78,000 less than the budgeted amount.

Status of the Bicentennial renovations.

The renovations at bicentennial park are still moving ahead. One of the main project goals was to remove the existing building that houses the score booth, concessions, restrooms, and storage. The City has contracted with an outside engineering firm to evaluate the footings and foundation of the existing building. The footings and foundation did not test well and the recommendation is to remove the existing footings and foundation and start over.

The City needs to start over with a new building and what staff proposes to build is different than what is currently there. The existing building has two floors and the new building will only have one floor. The building will house concessions, restrooms, and some limited storage. The storage necessary for our equipment will be relocated to a shed that will be outside the existing baseball fields and closer to the soccer fields. There are more details to the project such as shade structures over the spectator areas to replace the existing nets, relocating a main water line, and elimination of some asphalt between the baseball fields and replacing it with sod. Re-surfacing of the parking lot is also a priority, but may require additional funding.

Request to Re-allocate funding

Staff is asking the City Council to re-allocate the \$78,000 of impact fee money saved on the Field

at the Hills lighting project to fund expansion of the trail system. At the same time, staff is asking the Council to re-allocate \$78,000 of RAP tax currently allocated to trail expansion to the renovations at Bicentennial park.

Please consider reallocating the funds as requested.

Thank you and if you have questions please let me know.

Attached is the resolution.

RESOLUTION NO. _____
**A RESOLUTION OF THE CEDAR CITY COUNCIL RE-ALLOCATING PARKS AND RECREATION
IMPACT FEES AND RAP TAX.**

WHEREAS, Cedar City collects and expends recreation impact fees in accordance with the Utah Impact Fee act;
and

WHEREAS, pursuant to authorization from the voters and state law Cedar City collects and expends a local option sales tax, commonly referred to as the RAP tax; and

WHEREAS, in general terms the recreational component of the RAP tax can be spent of publically owned recreational facilities and, in general terms recreation Impact Fees can be spent on public recreational facilities, excluding curing deficiencies in existing facilities; and

WHEREAS, earlier this year the City re-allocated impact fees to expand the lights at the Fields at the Hills and re-allocated an equal amount of RAP tax fees to renovate the Bicentennial facilities; and

WHEREAS, the project to install the Fields at the Hills lighting came in \$78,000 under budget; and

WHEREAS, after conducting the necessary preliminary engineering on the Bicentennial concessions building the costs of the project have increased due, in part, to a need to remove and replace the current footings and foundation; and

WHEREAS, in order to appropriately use RAP tax and impact fees it is necessary to re-allocate RAP tax funds currently budgeted for trail expansion to the Bicentennial project and to re-allocate the savings from the Fields at the Hills lighting project to trail expansion.

NOW THEREFORE, be it resolved by the Cedar City Council that \$78,000 in impact fees saved from the Field at the Hills lighting project is hereby re-allocated to trail expansion, and \$78,000 RAP tax dollars are hereby re-allocated from trail expansion to the Bicentennial project.

PASSED, ADOPTED AND APPROVED this 28th day of August, 2014.

Ayes: Nays: Abstained:

MAILE L. WILSON
MAYOR

[SEAL]
ATTEST:

RENON SAVAGE
RECORDER

CEDAR CITY COUNCIL
AGENDA ITEM 13

DECISION SHEET

TO: Mayor and City Council
FROM: Chief Darin M. Adams
DATE: 15 August 2018

SUBJECT: Animal Shelter Construction Bids

ISSUE: We have received three bids for construction of the newly-proposed animal shelter. All bids are in excess of 1.2 million.

DISCUSSION: Through the process of seeking qualified contractors to build Cedar City's newly-proposed animal shelter, bid proposals were sought. On Friday, August 10th, three bids were submitted and received prior to the 2:00 PM deadline. The bids, in order of highest to lowest; which include the company and bid amounts are as follows:

Carter Enterprises - \$1,726,000.00 With Bid Alternatives - \$1,703,300.00

Zwick Construction -- 1,676,600.00 With Bid Alternatives - \$1,643,960.00

Grass Creek Construction - \$1,550,387.00 No Bid Alternatives

It is evident that all three bids exceed the CIB loan amount of \$1,200,000.00. I earnestly do not believe that we can value engineer this project further to cut the desired costs. I am concerned that if we reduce the square footage further or reduce amenities within the shelter, we would be producing a facility that would need serious attention in the near future as we continue to grow. Possible solutions include the consideration of using funds from the city's general funds capital reserve, re-convening a meeting with CIB to seek additional funding, increase our plan of fundraising with a robust campaigning effort to offset the costs, or to eliminate the project altogether.

There is no question that a new shelter is needed, and we must seriously consider the ramifications without constructing a contemporary, modern, and spacious facility to address our growing animal population. I have no recommendations at this point, but rather seek input and recommendations from you and my fellow staff members as we collectively consider our options, and make a decision that is in the best interest of our fellow citizens and our animal population.